

1 EDMUND G. BROWN JR.
Attorney General of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 BRIAN G. WALSH
Deputy Attorney General
4 State Bar No. 207621
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2535
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2010-428

13 **LENA R. GROOVER,**
aka LENA REMAY GROOVER,
14 aka LENA RAMAY GROOVER
25690 Crenshaw Blvd. #202
Torrance, CA 90505

A C C U S A T I O N

15 Registered Nurse License No. 551520

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
22 of Consumer Affairs.

23 2. On or about February 2, 1999, the Board of Registered Nursing (Board) issued
24 Registered Nurse License Number 551520 to Lena R. Groover, aka Lena Remay Groover, aka
25 Lena Ramay Groover (Respondent). The Registered Nurse License was in full force and effect at
26 all times relevant to the charges brought herein and will expire on January 31, 2011, unless
27 renewed.

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JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

6. Section 2761 states, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct,

. . . .

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof."

7. Section 2762 states, in pertinent part:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act] it is unprofessional conduct for a person licensed under this chapter to do any of the following:

. . . .

"(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

1 "(c) Be convicted of a criminal offense involving the prescription, consumption, or
2 self-administration of any of the substances described in subdivisions (a) and (b) of this section,
3 or the possession of, or falsification of a record pertaining to, the substances described in
4 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
5 thereof."

6 **COST RECOVERY PROVISION**

7 8. Section 125.3 provides, in pertinent part, that the Board may request that the
8 administrative law judge direct a licensee found to have committed a violation or violations of
9 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
10 enforcement of the case.

11 **FIRST CAUSE FOR DISCIPLINE**

12 **(Convictions of Substantially-Related Crimes)**

13 9. Respondent is subject to disciplinary action under section 2761, subdivision (f), in
14 that Respondent was convicted of crimes that are substantially related to the qualifications,
15 functions, and duties of a registered nurse, as follows:

16 a. On or about August 22, 2008, a fire raged at Respondent's residence while she was
17 inside. Responding fire fighters suspected that Respondent had set the fire, and a follow-up
18 investigation confirmed their suspicions. Respondent was subsequently arrested and charged
19 with arson. On or about August 18, 2009, after pleading nolo contendere, Respondent was
20 convicted of one felony count of violating Penal Code section 452, subdivision (b) [setting fire to
21 an inhabited structure], in the criminal proceeding entitled *The People of the State of California v.*
22 *Lena Ramay Groover* (Super. Ct. L.A. County, 2009, No. YA073350). Respondent was placed
23 on probation for three years with terms and conditions, including payment of court-ordered
24 restitution to the Allstate Insurance Company in the amount of \$24,165.00, six months of weekly
25 counseling sessions, and prohibitions related to the consumption and possession of alcohol.

26 b. On or about August 18, 2009, after pleading nolo contendere, Respondent was
27 convicted of one misdemeanor count of violating Vehicle Code section 23152, subdivision (b)
28 [driving while having 0.08 percent or more, by weight, of alcohol in her blood], in the criminal

proceeding entitled *The People of the State of California v. Lena Ramay Groover* (Super. Ct. Los Angeles County, 2009, No. 9SY01682). Respondent was placed on probation for three years with terms and conditions, including mandatory enrollment in a three-month first-offender alcohol and another drug education and counseling program. The underlying arrest which resulted in the conviction in this criminal proceeding occurred on or about January 17, 2009.

c. On or about December 11, 2005, officers of the Hermosa Beach Police Department approached Respondent in her vehicle after they observed her attempting to avoid a police sobriety roadblock checkpoint. The officers questioned Respondent, and administered field sobriety tests after observing objective signs of intoxication. Because Respondent performed poorly on the sobriety tests, and her blood-alcohol content level registered exceed the .08 percent legal limit on two breath tests (.10 percent and .11 percent), she was arrested and taken into custody. On or about July 5, 2006, after pleading nolo contendere, Respondent was convicted of one misdemeanor count of violating Vehicle Code section 23103 [reckless driving], in the criminal proceeding entitled *The People of the State of California v. Lena Ramay Groover* (Super. Ct. Los Angeles County, 2006, No. 5SB09679). Respondent was placed on probation for three years with terms and conditions, including enrollment in an alcohol education program. On or about August 18, 2009, the trial court found Respondent to be in violation of probation due to her felony conviction in case number YA073350, referenced above in paragraph 9, subparagraph (a).

SECOND CAUSE FOR DISCIPLINE

(Dangerous Use of Alcoholic Beverages)

10. Respondent is subject to disciplinary action under section 2761, subdivision (a), in conjunction with section 2762, subdivision (b), in that Respondent used alcoholic beverages in a manner dangerous herself and others. Complainant refers to and incorporates all the allegations set forth in paragraph 9, including all subparagraphs, as though set forth fully.

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THIRD CAUSE FOR DISCIPLINE

(Convictions Involving the Consumption of Alcoholic Beverages)

11. Respondent is subject to disciplinary action under section 2761, subdivision (a), in conjunction with section 2762, subdivision (c), in that Respondent was convicted of criminal offense involving the consumption of alcoholic beverages. Complainant refers to and incorporates all the allegations set forth in paragraph 9, including all subparagraphs, as though set forth fully.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

1. Revoking or suspending Registered Nurse License Number 551520, issued to Respondent;
2. Ordering Respondent to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: _____

3/15/10

for *Stacie Bern*
LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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